

TO BE FILED IN THE COURT OF APPEAL

JV-810

COURT OF APPEAL, _____ APPELLATE DISTRICT, DIVISION _____ ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): _____ TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	Court of Appeal Case Number:
	Superior Court Case Number:
APPELLANT: RESPONDENT:	FOR COURT USE ONLY
RECOMMENDATION FOR APPOINTMENT OF APPELLATE ATTORNEY FOR CHILD (California Rules of Court, Rule 5.661)	

INSTRUCTIONS—READ CAREFULLY

- Read the entire form *before* completing any items.
- This form must be clearly handprinted in ink or typed.
- Complete all applicable items in the proper spaces. If you need additional space, add an extra page and check the "Additional pages attached" box on page 2.
- If you are filing this form in the Court of Appeal, file the original and 4 copies.
- If you are filing this form in the California Supreme Court, file the original and 10 copies.
- A copy must be served on the local district appellate project.
- Notify the clerk of the court in writing if you change your address after filing your form.

Individual Courts of Appeal or the Supreme Court may require documents other than or in addition to this form. Contact the clerk of the reviewing court for local requirements.

APPELLATE CASE TITLE: 	APPELLATE CASE NUMBER:
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1. Trial counsel, court-appointed guardian ad litem for the child under rule 5.662, or the child in the above-captioned case:
 - a. Name:
 - b. I am the ☐ trial counsel ☐ guardian ad litem ☐ child
 - c. Address:
 - d. Telephone number:
2. I recommend that an appellate attorney be appointed for the child in this case.
3. The child's best interests cannot be protected without the appointment of counsel on appeal for the following reasons (*check all that apply*):
 - a. ☐ An actual or potential conflict exists between the interests of the child and the interests of any respondent.
 - b. ☐ The child did not have an attorney serving as his or her guardian ad litem in the trial court.
 - c. ☐ The child is of a sufficient age or development such that he or she is able to understand the nature of the proceedings, and
 - (1) ☐ The child expresses a desire to participate in the appeal; or
 - (2) ☐ The child's wishes differ from his or her trial counsel's position.
 - d. ☐ The child took a legal position in the trial court adverse to that of one of his or her siblings, and an issue has been raised in an appellant's opening brief regarding the siblings' adverse positions.
 - e. ☐ The appeal involves a legal issue regarding a determination of parentage, the child's inheritance rights, educational rights, privileges identified in division 8 of the Evidence Code, consent to treatment, or tribal membership.
 - f. ☐ Postjudgment evidence completely undermines the legal underpinnings of the juvenile court's judgment under review, and all parties recognize this and express a willingness to stipulate to reversal of the juvenile court's judgment.
 - g. ☐ The child's trial counsel or guardian ad litem, after reviewing the appellate briefs, believes that the legal arguments contained in the respondents' briefs do not adequately represent or protect the best interests of the child.
 - h. ☐ The existence of any other factors relevant to the child's best interests (*specify*):
4. State the facts that support your recommendation:

☐ Additional pages attached

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, except for matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF APPLICANT)

APPELLATE CASE TITLE: 	APPELLATE CASE NUMBER:
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PROOF OF SERVICE

I served a copy of the foregoing *Recommendation for Appointment of Appellate Attorney for Child* on the following by personally delivering a copy to the person served, OR by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered, OR by placing a copy in a sealed envelope and depositing the envelope directly in the United States mail with postage prepaid or at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar:

1. Respondent court

a. Name and address:

b. Date of service:

c. Method of service:

2. District appellate project

a. Name and address:

a. Name and address:

b. Date of service:

b. Date of service:

c. Method of service:

c. Method of service:

3. Child (*if 10 years of age or older*)

a. Name and address:

Child's trial counsel (*if trial counsel is not submitting this request*)

a. Name and address:

b. Date of service:

b. Date of service:

c. Method of service:

c. Method of service: